

Now pending is Defendants' post-judgment motion, which seeks (1) judgment as a matter of law, (2) remittitur, or (3) a new trial. The motion (Doc. # 190) is denied on the merits.¹

Defendants are entitled to judgment as a matter of law only if there is not a legally sufficient evidentiary basis for a reasonable jury to find Defendants liable as reflected in the jury's verdicts. The Court is obligated to review the record in the light most favorable to the verdicts. E.g., Genthe v. Lincoln, 383 F.3d 713, 716 (8th Cir. 2004). "A motion for new trial based on sufficiency of the evidence should be granted only if the jury's verdict was against the great weight of the evidence, so as to constitute a miscarriage of justice." EFCO Corp. v. Symons Corp., 219 F.3d 734, 739 (8th Cir. 2000). When considering whether to grant a new trial on this ground a court may "rely on its own reading of the evidence and grant a new trial even where substantial evidence exists to support the verdict." Dominium Mgt Services, Inc. v. Nationwide Housing Group, 195 F.3d 358, 366 (8th Cir. 1999).

Defendants do not suggest any legal errors justify the granting of their motion. Their entire argument is predicated on a review of the evidence. The Court has reviewed the parties' arguments and considered the evidence admitted at trial. The Court concludes there was sufficient evidence to support the jury's verdict, so judgment as a matter of law cannot be granted. Defendants have essentially presented their view of the facts – but this view was rejected by the jury in favor of Plaintiffs' view of the facts. The jury could have credited Defendants' explanation of the facts, but chose not to do so. This does not deprive the jury's verdict of evidentiary support.

Similarly, the Court does not believe a miscarriage of justice has occurred that would warrant a new trial. The jury heard the testimony and reviewed the documentary evidence, and credited the Plaintiffs' version of events. Having also heard the testimony and seen the evidence, the Court does not believe the jury's view of matters was against the great weight of the evidence.

¹The Court does not believe it necessary to address Plaintiffs' procedural arguments.

Defendants do not explain their request for remittitur, so the Court is not sure whether they are challenging the actual damages, the punitive damages, or both. Defendants make a passing reference to a concern about awarding Plaintiffs a double recovery, but this issue was resolved in the Court's October 1 Order and Defendants do not contend that Order was in error. The Court notes the punitive damage award on the fraud claim is slightly more than the actual damages awarded, so there is no concern about the award being unconstitutional.

Defendants' post-trial motion (Doc. # 190) is denied.
IT IS SO ORDERED.

DATE: November 23, 2009

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT